

REMARKS

Claims 1, 3, 5, 179-184, 186, 187, 189, 192, 193, 195, 201, 204-212, 222-227, 231-233, 241, 242, 244, 245, 250, 280-299, 303, and 305-323 were pending in this application. Claims 1, 3, 5, 179-184, 186, 187, 189, 192, 193, 195, 201, 204-212, 222-227, 231-233, 241, 242, 244, 245, 250, 283, 288-299, 303 and 305-319 have been amended and claim 324 has been added. Specifically, claims 1, 3, 5, 179-184, 186, 187, 189, 192, 193, 195, 201, 204-212, 222-227, 231-233, 241, 242, 244, 245, 250, 288-299, 303, and 305-319 have been amended to recite the phrase "having the amino acid sequence." Claim 283 has been amended to recite additional types of antibodies. New claim 324 is directed to a composition comprising specific antibodies. The claim amendments and new claim are fully supported by the specification of the present application, see *e.g.*, page 42, lines 21-29 and page 68, line 14 to page 70 line 8 of the specification, and do not constitute new matter. Claims 1, 3, 5, 179-184, 186, 187, 189, 192, 193, 195, 201, 204-212, 222-227, 231-233, 241, 242, 244, 245, 250, 280-299, 303 and 305-324 will be pending upon entry of this Amendment.

Entry of the foregoing amendments into the record and consideration of these remarks are respectfully requested.

I. THE REJECTION UNDER 35 U.S.C. §112, SECOND PARAGRAPH, SHOULD BE WITHDRAWN

Claims 1, 3, 5, 179-184, 186, 187, 189, 192, 193, 195, 201, 204-212, 222-227, 231-233, 241, 242, 244, 245, 250, 280-299, 303 and 305-323 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner contends that the phrase "having an amino acid sequence" is unclear. Applicants respectfully disagree. However, in order to expedite prosecution of the present application and without conceding to the validity of the rejection, Applicants have amended claims 1, 3, 5, 179-184, 186, 187, 192, 193, 195, 201, 204-212, 222-227, 231-233, 241, 242, 244, 245, 250, 288-299, 303 and 305-319 to recite the phrase "having the amino acid sequence," as suggested by the Examiner. Accordingly, the rejection under 35 U.S.C. §112, second paragraph, has been obviated and should be withdrawn.

**II. THE PROVISIONAL OBVIOUSNESS-TYPE DOUBLE
PATENTING REJECTION SHOULD BE HELD IN ABEYANCE**

Claims 1, 3, 5, 179, 180, 182, 186, 187, 206, 212, 280-287 and 320-323 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 87, 88 and 90-118 of copending U.S. application Serial No. 10/020,354. The Examiner contends that the conflicting claims are not patentably distinct from each other because both claim sets encompass antibodies having SEQ ID NO:48, 10, 19, 20, 39, 5 and 6.

In response, Applicants request that the provisional obviousness-type double patenting rejection be held in abeyance until such time as the claims are in condition for allowance. At that time, Applicants will consider filing a terminal disclaimer.

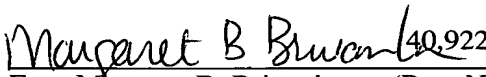
CONCLUSION

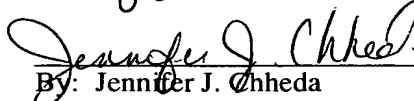
Applicants believe that the present claims meet all of the requirements for patentability. Entry and consideration of the foregoing remarks into the file of the subject application is respectfully requested.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone her at the number provided below.

Respectfully submitted,

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